



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

JOSH SHAPIRO
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 787-3391

August 15, 2019

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

I write today to urge you to move quickly to enact legislation to address the critical need to regulate per- and polyfluoroalkyl substances ("PFAS chemicals"). These chemicals are extremely harmful to our citizens and to our environment, and federal action is required to put an end to their use and redress the harms that they have already caused to communities in the Commonwealth of Pennsylvania and elsewhere.

PFAS contamination of drinking water surrounding Naval Air Station Joint Reserve Base at Willow Grove is a serious problem in southeastern Pennsylvania. PFAS-contaminated water routinely flows off the Naval Air Station at Willow Grove and into groundwater used by the surrounding municipalities, contaminating the communities' drinking water. This is but one of the many known sites with PFAS contamination in our Commonwealth, and there is every reason to believe that there are even more such sites that have yet to be discovered.

Unfortunately, the federal Environmental Protection Agency (EPA) has moved far too slowly: it has failed to use its statutory authorities to regulate the vast majority of PFAS substances and their applications, and it has not done enough to regulate PFAS levels in drinking water, restrict PFAS water discharges, regulate PFAS air pollutants, or protect against PFAS in sewage, sludge or waste disposal.

In addition, the Department of Defense (DOD) has been extremely slow in mitigating PFAS contamination on DOD sites. DOD must quickly and aggressively mitigate its PFAS contamination and cease further use of PFAS-containing products. The DOD's failure to act is particularly disappointing given that the military is the primary source of PFAS contamination in Pennsylvania. Yet DOD continues to avoid responsibility, deflecting it to EPA and its regulatory authority.

We owe it to our service members and the communities that support them to ensure that both the DOD and the EPA do their parts to address this serious public health concern.

Furthermore, despite repeated requests, DOD still has not shared information on its purchase and use of PFAS-containing fire-fighting foams. This information is critical to Pennsylvania's investigation into who is responsible for cleaning up PFAS contamination and locating where unknown contamination may be present.

Recently, I was encouraged by Secretary Esper's announcement, as one of his first official acts, of the creation of a task force to address PFAS contamination caused by the use of PFAS-containing products on military bases. I intend to closely monitor the task force's work and expect that it will follow through on the Secretary's stated commitment to "approach the problem in an aggressive and holistic way."

Because of this void created by DOD and EPA, Congress must step in and enact comprehensive federal legislation to protect public health and the environment. I applaud the efforts of the Pennsylvania congressional delegation, many of whom have been diligently focused on PFAS, working on promoting various legislative initiatives and participating in the bipartisan Congressional PFAS Task Force.

I urge you to support the Pennsylvania delegation's efforts to remove this public health threat to our citizens and environment by stopping the further spread of PFAS and cleaning up PFAS contamination in a safe and effective manner. I urge you to support the provisions included in the Senate version of the National Defense Authorization Act (NDAA) for fiscal year 2020. These PFAS-related provisions include:

- Advancing research on the health and environment impacts of all PFAS chemicals by funding studies by the CDC, and
- Including the PFAS family of chemicals under the Safe Drinking Water Act's contaminant of concern list which requires EPA to conduct studies of the contaminant.

August 15, 2019
Page Three

In addition, I encourage you to include the following provisions from the 2019 House-adopted version of the NDAA, which were in part authored by members of the Pennsylvania congressional delegation, into the final version of the NDAA:

- Phase out the military's use of firefighting foam containing PFAS chemicals;
- List PFAS as a hazardous substance under Superfund/CERCLA. It is crucial that the entire family of PFAS chemicals be listed;
- Authorize an additional \$5 million for the ATSDR study of PFAS;
- Require the GAO to study the DOD's response to military PFAS contamination;
- Strictly regulate PFAS disposal and require any incineration of PFAS materials to eliminate PFAS and ensure PFAS is not emitted into the air in this process;
- Require cooperative agreements between DOD and states for military cleanups of PFAS;
- List PFAS as a toxic pollutant or hazardous substance to be regulated under the Clean Water Act, including strengthening sewage sludge rules to protect against use of sewage sludge contaminated with PFAS from being ground applied;
- Require DOD to share PFAS water monitoring information with adjacent communities.

I was disappointed in the Administration's statement expressing opposition to some of these provisions, and I hope that Congress will include these necessary protections in the final version of the NDAA.

In addition to the recommendations above, there are many other possible actions that Congress could take to prevent further harm to our communities. Many of these ideas are supported by members of the Pennsylvania congressional delegation; for example, H.R. 2600, proposed by Congresswoman Madeleine Dean, would help phase out PFAS by including measures to prohibit the use, importation, and manufacture of products using PFAS, such as firefighting foams, food contact products, clothing, cookware, cosmetic, and other products. I urge you to consider the full range of actions Congress can take to help protect the public from the dangers that PFAS chemicals present.

Thank you for your time and consideration of these urgent matters.

All the best,



JOSH SHAPIRO